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EXAMINER
CASCHERA, ANTONIO A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/829,276	OHKAWA, TOMOKI
	Examiner	Art Unit	
	Antonio A. Caschera	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 July 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-7 and 9-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-7 and 9-11</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>22 April 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   Receipt is acknowledged of a request for continued examination under 37 CFR 1.114,

including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 07/28/08.

Priority

2.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claim 1, 4-7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Prandoni et al. (U.S. Patent 7,042,493), Tam et al. (U.S. Patent 5,754,186) and further in view of

Dempski et al. (U.S. Publication 2004/0155902 A1).

In reference to claim 1, Prandoni et al. discloses a video processing apparatus (see

column 1, lines 44-58 and Figure 1) *of a telecommunications system* comprising:

a video input section to which a video data comprising a plurality of frame images is

input (see column 2, lines 9-14 and #101 and "video" of Figure #1 wherein Prandoni et al.

discloses the apparatus to comprise of a background-foreground extraction module which

receives a video sequence. The Office interprets the background-foreground extraction module

equivalent to the video input section since data as described in the claims is received by this

module of Prandoni et al.)

     a drawing input section to which a drawn input image is input;

     an image control section that periodically cuts out a selected image as static image

information from the frame images at intervals of predetermined time (see column 2, lines 9-14,

47-62 and columns 2-3, lines 63-14 wherein Prandoni et al. discloses the apparatus to comprise

of a background-foreground extraction module which receives a video sequence, say from a

standard camera, and extracts one or several foreground features to appear in stroboscoping

sequence. Prandoni et al. further discloses such extraction to occur based upon a number of

"triggered" events one being time-based triggering where foreground features are extracted at

fixed time intervals, say every t seconds or as per user-defined triggering events.) *and*

periodically extracts the drawn input image as input drawing static information at intervals of

the predetermined time;

     an image information storage section that stores the static image information (see column

5, lines 20-23 wherein Prandoni et al. claims a computer performing the methods of the

invention. Note, the Office interprets the computer of Prandoni et al. to inherently comprise of

some sort of memory for storing, at least temporarily, the foreground/background extracted

images/objects since Prandoni et al. discloses explicit manipulation of such information which

would require at least temporary storage of the data.) *and the input drawing static information;*

an image combining section that combines the static image information *and the input drawing static information* to create combined image information (see column 3, lines 15-41 and Figure 1 wherein Prandoni et al. discloses a synthesis module that combines selected foreground features and background visual information into a composite image); and

an image drawing section that outputs the combined image information (see columns 3-4, lines 42-14 and Figure 1 wherein Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composite images) and;

a display section that display the combined image information (see column 2, lines 38-42 and #130 of Figure 1 wherein Prandoni et al. discloses a rendering module transforming data suitable for display on a video device),

wherein the predetermined time is set to be greater than or equal to a processing time of the drawing processing apparatus, said processing time being a duration starting from a time when the selected image is cut out to a time when the combined image information is displayed on the display section (see column 3, lines 3-4, 11-13 and 62-67 wherein Prandoni et al. discloses extraction to occur based upon a number of "triggered" events one being time-based triggering and another being user-defined where foreground features are extracted at fixed time intervals, say every t seconds and as per a user's involvement clicking on image frames. Prandoni et al. further discloses the video sequence being rendered when the triggering events are reached. Therefore, the Office interprets the above mentioned "t" seconds or user-defined triggering events of Prandoni et al. at least greater than or equal to the processing of the image data or more particularly, the time from when an image is selected via a user-define trigger event and to the time that a composite image is rendered/displayed.) and

wherein said telecommunications system includes a plurality of participant terminals.

Prandoni et al. does not explicitly disclose extracting input drawing static information from a drawn input image every predetermined time. Tam et al. discloses a method and apparatus for blending of first and second images loaded into corresponding VRAM buffers (see column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer system which includes a writing device such as a pen or stylus that allows the user to write on the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al. discloses the pen or stylus input data, comprising the x,y coordinates of pixel data over which the stylus has been positioned, being received by the CPU (see column 6, lines 47-54) which the Office interprets equivalent to the drawing input section. Tam et al. discloses "extracting" drawing information from memory and combining it with other image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). Note, the Office interprets that the drawing information of Tam et al. is extracted every predetermined time since Tam et al. discloses performing pen process drawing when a pen input is received (see column 7, lines 26-27). In other words, the received pen input establishes the every predetermined time in Tam et al. which is consistent with the teachings of Prandoni et al., whom teaches performing image extraction based upon user-defined triggering events (i.e. user clicks of the mouse) (see above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the foreground/background image data processing techniques of Prandoni et al. in order to allow the viewing of real-time user interaction data along with the computer system application data or video data on a display simultaneously creating a more user

friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49

of Tam et al.). Neither Prandoni et al. nor Tam et al. explicitly disclose their image data

processing techniques within a teleconferencing environment including a plurality of participant

terminals however Dempski et al. does. Dempski et al. discloses a computer system in a

teleconferencing environment for superimposing a computer-generated image onto a video

image or vice versa so that data is broadcast to multiple participants (see paragraphs 2, 3, 5 and

11 of Dempski et al.). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to implement the teleconference superimposing techniques of Dempski

et al. with the pen/stylus and video based image combining techniques of Tam et al. and

foreground/background image data processing techniques of Prandoni et al. in order to allow

multiple users to view, manipulate, and share real-time data in a teleconferencing environment

making it easier to communicate to users in remote locations (see paragraphs 2-3 of Dempski et

al.). (see *Response to Arguments* below)

In reference to claim 4, Prandoni et al., Tam et al. and Dempski et al. disclose all of the

claim limitations as applied to claim 1 above. Prandoni et al. discloses the apparatus to comprise

of a background-foreground extraction module which receives a video sequence, say from a

standard camera, and extracts one or several foreground features to appear in stroboscoping

sequence (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14). Prandoni et al.

discloses a rendering module that in some instances, produces/outputs a video sequence of

composited images (see columns 3-4, lines 42-14 and Figure 1), the rendering module seen as

providing equivalent functionality as Applicant's moving image reproducing section. Prandoni

et al. claims a computer performing the methods of the invention (see column 5, lines 20-23).

Note, the Office interprets the computer of Prandoni et al. to inherently comprise of some sort of

memory or moving image storage section for storing, at least temporarily, the rendered/output

video stroboscoped sequences.

In reference to claim 5, Prandoni et al., Tam et al. and Dempski et al. disclose all of the

claim limitations as applied to claim 1 above. Prandoni et al. discloses the apparatus to comprise

of a background-foreground extraction module which receives a video sequence, say from a

standard camera, and extracts one or several foreground features to appear in stroboscoping

sequence (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14). Prandoni et al.

discloses a rendering module that in some instances, produces/outputs a video sequence of

composited images (see columns 3-4, lines 42-14 and Figure 1). Tam et al. discloses the pen or

stylus creating "strokes" which comprise of engagement and disengagement points and position

data in between these points representing the tracking motion of the stylus as it moves across the

screen (see column 1, lines 49-62). Note, the Office interprets such "strokes" defined in a

equivalent format to a vector type of Applicant's claim. Tam et al. discloses "extracting" such

drawing information, "strokes," from memory and combining it with other image data such as

video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns

7-8, lines 67-4). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to implement the pen/stylus and video based image combining techniques of

Tam et al. with the foreground/background image data processing techniques of Prandoni et al.

in order to allow the viewing of real-time user interaction data along with the computer system

application data or video data on a display simultaneously creating a more user friendly

environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam

et al.).

    In reference to claim 6, Prandoni et al., Tam et al. and Dempski et al. disclose all of the

claim limitations as applied to claim 5 above. Tam et al. discloses "stroke" data comprising

coordinate data (see column 6, lines 49-54), width data and grayscale intensity data (see column

8, lines 16-21). Note, the Office interprets that the "points count" limitation of Applicant's claim

is inherently found within the "stroke" data of Tam et al. since Tam et al. discloses the "stroke"

data comprising coordinate and width data, which the Office interprets as inherently comprising

a "points count." It would have been obvious to one of ordinary skill in the art at the time the

invention was made to implement the pen/stylus and video based image combining techniques of

Tam et al. with the foreground/background image data processing techniques of Prandoni et al.

in order to allow the viewing of real-time user interaction data along with the computer system

application data or video data on a display simultaneously creating a more user friendly

environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam

et al.).

    In reference to claim 7, claim 7 is equivalent in scope to claim 1 and is therefore rejected

under similar rationale. Further, it is noted that claim 7 recites a method type claim, the steps of

the method as claimed are disclosed by the above recited teachings of the combination of

Prandoni et al., Tam et al. and Dempski et al..

    In reference to claim 10, claim 10 is equivalent in scope to claim 1 and is therefore

rejected under similar rationale. Further, it is noted that claim 10 recites a computer-readable

medium/program type claim, the steps of the program executed by the computer as claimed are

disclosed by the above recited teachings of the combination of Prandoni et al., Tam et al. and

Dempski et al.. Prandoni et al. claims a computer performing the methods of the invention (see

column 5, lines 20-23). Note, the Office interprets the computer of Prandoni et al. to inherently

comprise of some type of memory or medium for storing instructions/programs to execute or

perform tasks.

In reference to claim 11, Prandoni et al. discloses a video processing apparatus (see

column 1, lines 44-58 and Figure 1) *teleconference system in which a plurality of participant*

terminals which participate in a conference are connected through a communication line,

wherein a drawing processing apparatus comprises:

a video input section to which a video data comprising a plurality of frame images is

input (see column 2, lines 9-14 and #101 and "video" of Figure #1 wherein Prandoni et al.

discloses the apparatus to comprise of a background-foreground extraction module which

receives a video sequence. The Office interprets the background-foreground extraction module

equivalent to the video input section since data as described in the claims is received by this

module of Prandoni et al.)

a drawing input section to which a drawn input image is input;

an image control section that periodically cuts out a selected image as static image

information from the frame images at intervals of predetermined time (see column 2, lines 9-14,

47-62 and columns 2-3, lines 63-14 wherein Prandoni et al. discloses the apparatus to comprise

of a background-foreground extraction module which receives a video sequence, say from a

standard camera, and extracts one or several foreground features to appear in stroboscoping

sequence. Prandoni et al. further discloses such extraction to occur based upon a number of

"triggered" events one being time-based triggering where foreground features are extracted at fixed time intervals, say every t seconds or as per user-defined triggering events.) *and periodically extracts the drawn input image as input drawing static information at intervals of the predetermined time;*

an image information storage section that stores the static image information (see column 5, lines 20-23 wherein Prandoni et al. claims a computer performing the methods of the invention. Note, the Office interprets the computer of Prandoni et al. to inherently comprise of some sort of memory for storing, at least temporarily, the foreground/background extracted images/objects since Prandoni et al. discloses explicit manipulation of such information which would require at least temporary storage of the data.) *and the input drawing static information;*

an image combining section that combines the static image information *and the input drawing static information* to create combined image information (see column 3, lines 15-41 and Figure 1 wherein Prandoni et al. discloses a synthesis module that combines selected foreground features and background visual information into a composite image); and

an image drawing section that outputs the combined image information (see columns 3-4, lines 42-14 and Figure 1 wherein Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composite images) and;

a display section that display the combined image information (see column 2, lines 38-42 and #130 of Figure 1 wherein Prandoni et al. discloses a rendering module transforming data suitable for display on a video device),

wherein the predetermined time is set to be greater than or equal to a processing time of the drawing processing apparatus, said processing time being a duration starting from a time

when the selected image is cut out to a time when the combined image information is displayed

on the display section (see column 3, lines 3-4, 11-13 and 62-67 wherein Prandoni et al.

discloses extraction to occur based upon a number of "triggered" events one being time-based

triggering and another being user-defined where foreground features are extracted at fixed time

intervals, say every t seconds and as per a user's involvement clicking on image frames.

Prandoni et al. further discloses the video sequence being rendered when the triggering events

are reached. Therefore, the Office interprets the above mentioned "t" seconds or user-defined

triggering events of Prandoni et al. at least greater than or equal to the processing of the image

data or more particularly, the time from when an image is selected via a user-define trigger event

and to the time that a composite image is rendered/displayed.).

Prandoni et al. does not explicitly disclose extracting input drawing static information

from a drawn input image every predetermined time. Tam et al. discloses a method and

apparatus for blending of first and second images loaded into corresponding VRAM buffers (see

column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer

system which includes a writing device such as a pen or stylus that allows the user to write on

the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al.

discloses the pen or stylus input data, comprising the x,y coordinates of pixel data over which the

stylus has been positioned, being received by the CPU (see column 6, lines 47-54) which the

Office interprets equivalent to the drawing input section. Tam et al. discloses "extracting"

drawing information from memory and combining it with other image data such as video data

(see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines

67-4). Note, the Office interprets that the drawing information of Tam et al. is extracted every

predetermined time since Tam et al. discloses performing pen process drawing when a pen input

is received (see column 7, lines 26-27). In other words, the received pen input establishes the

every predetermined time in Tam et al. which is consistent with the teachings of Prandoni et al.,

whom teaches performing image extraction based upon user-defined triggering events (i.e. user

clicks of the mouse) (see above). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to implement the pen/stylus and video based image combining

techniques of Tam et al. with the foreground/background image data processing techniques of

Prandoni et al. in order to allow the viewing of real-time user interaction data along with the

computer system application data or video data on a display simultaneously creating a more user

friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49

of Tam et al.). Neither Prandoni et al. nor Tam et al. explicitly disclose their image data

processing techniques within a teleconferencing environment however Dempski et al. does.

Dempski et al. discloses a computer system in a teleconferencing environment for superimposing

a computer-generated image onto a video image or vice versa (see paragraphs 5 and 11 of

Dempski et al.). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to implement the teleconference superimposing techniques of Dempski et al.

with the pen/stylus and video based image combining techniques of Tam et al. and

foreground/background image data processing techniques of Prandoni et al. in order to allow

multiple users to view, manipulate, and share real-time data in a teleconferencing environment

making it easier to communicate to users in remote locations (see paragraphs 2-3 of Dempski et

al.).

4.   Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prandoni

et al. (U.S. Patent 7,042,493), Tam et al. (U.S. Patent 5,754,186), Dempski et al. (U.S.

Publication 2004/0155902 A1) and further in view of Seedholm, Peter. "Print Screen Button

Tutorial." (http://www.ibiblio.org/virtualcell/Tutor1/TandR/prtscr.html).

          In reference to claims 3 and 9, Prandoni et al., Tam et al. and Dempski et al. disclose all

of the claim limitations as applied to claims 1 and 7 respectively above. Prandoni et al. claims a

computer performing the methods of the invention (see column 5, lines 20-23) which the Office

interprets as inherently comprising a keyboard providing some sort of input to the invention.

Neither Prandoni et al., Tam et al. nor Dempski et al. explicitly disclose the image drawing

section having a function of capturing the combined image using a screen capture signal by an

image capture operation of a user. Seedholm discloses a tutorial for capturing and pasting a

displayed screen of data using the print screen button on a keyboard (see steps 1-6 of Seedholm).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to implement the print screen display screen capturing techniques of Seedholm with the

teleconference superimposing techniques of Dempski et al., pen/stylus and video based image

combining techniques of Tam et al. and foreground/background image data processing

techniques of Prandoni et al. in order to capture the current displayed image on a display monitor

and further process the image by i.e. pasting it into another program/application, transmitting it

over a network medium, saving it to a computer medium etc.

Response to Arguments

5.   Applicant's arguments filed 07/28/08 have been fully considered but they are not
persuasive.

        In reference to claims 1, 3-7 and 9-11, Applicant argues that none of the applied
references teach the amended limitation of "wherein said telecommunications system includes a
plurality of participant terminals," (see page 8 of Applicant's Remarks).

        In response, the Office disagrees and points to the above rejection of the claims. The
Office has applied the Dempski et al. reference to teach such a feature of the telecommunications
system. In particular and as seen above, Dempski et al. discloses a computer system in a
teleconferencing environment for superimposing a computer-generated image onto a video
image or vice versa so that data is broadcast to multiple participants (see paragraphs 2, 3, 5 and
11 of Dempski et al.). Therefore, the Office interprets Dempski et al. to disclose such a feature
and believes the combination of Prandoni et al., Tam et al. and Dempski et al. to disclose all of
the claim limitations of claims 1, 3-7 and 9-11.

                                        Conclusion

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781.
The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00
AM and 4:30 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

          Commissioner of Patents and Trademarks

          Washington, D.C. 20231

or faxed to:

          571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone

number is (571) 272-2600.

/Antonio A Caschera/

Examiner, Art Unit 2628

Temporary Full Signatory Authority

9/29/08